

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMIE HARLAN,

Defendant.

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8:16CR249

ORDER

This matter is before the court on the motion to continue by counsel for the government (Filing No. 17). Government's counsel seeks a continuance of the trial of this matter scheduled for October 31, 2016. Government's counsel represents a material witness will be unavailable for trial. Upon consideration, the motion will be granted as set forth below.

**IT IS ORDERED:**

1. The motion to continue trial (Filing No. 17) is granted.
2. Trial of this matter is re-scheduled for **November 28, 2016**, before Judge Robert F. Rossiter, Jr., and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 25, 2016, and November 18, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that a material witness is unavailable for trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A).

DATED this 25th day of October, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge